

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**STUDENT RESOURCE CENTER,  
LLC,**

*Plaintiff,*

**V.**

**EASTERN GATEWAY COMMUNITY  
COLLEGE,**

***Defendant.***

**Case No. 2:22-cv-2653**

**Chief Judge Algenon L. Marbley**

**Magistrate Judge Chelsey M. Vascura**

**MOTION FOR STATUS CONFERENCE**

Plaintiff Student Resource Center, LLC (“SRC”) requests a status conference at the Court’s earliest convenience.

## I. ISSUES OF CONCERN TO ALL PARTIES

SRC has conferred with Defendant Eastern Gateway Community College (“EGCC” and together with SRC, the “Parties”). The Parties jointly request a status conference to address the following issues:

1. The status of pending motions, including: EGCC’s Motion to Strike and Dismiss, in Part, SRC’s Amended Complaint, ECF No. 33, filed October 31, 2022; SRC’s Motion to Dismiss EGCC’s Counterclaims, ECF No. 34 filed November 2, 2022; EGCC’s Motion for Relief From Order Pursuant to Rule 60(b), ECF No. 39, filed January 13, 2023, seeking to vacate the Court’s Preliminary Injunction Order, ECF No. 14; and SRC’s Motion for Leave to File Sur-Reply *Instantly* to EGCC’s Reply Brief [in support of its Motion for Relief from Order Pursuant to Rule 60(b)]. ECF No. 45, filed March 2, 2023. All of those motions are fully briefed and awaiting ruling from the Court.

2. The current posture of the case and the need to extend certain case deadlines with the Court.

The specific deadlines or events that the Parties believe will need to be continued are:

- the deadline for primary expert reports, previously set for April 19, 2023;
- the deadline for a settlement demand previously set for April 28, 2023;
- the deadline for rebuttal expert reports previously set for May 19, 2023;
- the deadline for a response to settlement demand previously set for May 26, 2023;
- the deadline to complete discovery previously set for June 30, 2023; and
- the mediation for this matter.

The Parties believe the dates for these deadlines or events will need to be adjusted because, in light of the above pending motions, the pleadings remain open. Furthermore, while the Parties have engaged in, and are continuing to engage in, discovery, that remains ongoing and the Parties will need additional time to complete discovery. The Parties believe additional discovery will make settlement discussions and a mediation more productive. The additional time needed to complete discovery is based on the volume of documents at issue as well as ongoing discovery disputes, including those outlined below.

3. The current and going forward status of the Parties' financial status and obligations, if any, to one another under the Collaboration Agreement between them and how to most efficiently reach an agreement, or if necessary, an adjudication as to the same.

## **II. ISSUES OF CONCERN TO SRC**

SRC also wishes to address the below topics at the status conference, based on the Court's stated expectation that "the parties will keep it apprised of factual developments and will engage Court-supervised discovery in the event either party resists or delays responding to audit requests

and document productions.” See Opinion & Order, ECF No. 23, at 10. EGCC objects to addressing these topics at the status conference.

1. How to most efficiently and effectively address disputes related to additional reimbursement obligations of over \$1 million that has accrued for services provided by SRC to EGCC since EGCC was last ordered to reimburse SRC for on-going expenses and that EGCC has stated that it does not intend to pay voluntarily.
2. How to most efficiently and effectively address disputes related to SRC’s financial audit of EGCC, related to SRC’s request for updated financial information from EGCC and the ongoing reviews of EGCC’s programs being conducted by the Department of Education and the Higher Learning Commission that EGCC it is unwilling to provide.

WHEREFORE, for good cause shown, SRC respectfully requests a status conference before the Court to address the above identified matters.

Dated: May 17, 2023

Respectfully submitted,

/s/ Robert C. Folland  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2023, a copy of forgoing was filed electronically via the Court's CM/ECF filing system and served on all counsel of record.

/s/ Robert C. Folland  
Robert C. Folland